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CMA No. 2846 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CMA No. 2846 of 2023
& CMP No.24992 of 2023**

1. JAIGANESH

S/o.Rajendran, D.No.25, Jawahar Road,
Madurai (South Saragam) 625 020 Now
residing at D.No.5/4, Poovagounder
Line, 5 - Roads, Salem District 636
004.

Appellant(s)

Vs

1. JEEVANATHAN

S/o.Sundaram, Residing at D.No.153,
Kalaimathi, Mettutheru,
Bethaniapuram, Madurai District 625
016.

2.The United India Insurance Co, Ltd
Branch Office HUB Ranga Building,
peramanur Main Road, Peramanur,
Salem District 636 007

Respondent(s)



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PRAYER

To allow the above Civil Miscellaneous Appeal and enhance the award in the Order dated 23.12.2022 made in MCOP No.390 of 2017 on the file of the Motor Accident Claims Tribunal/Special Subordinate Judge, No.1, Salem.

CMA No. 2846 of 2023

For Appellant(s): M/s.C.Paraneedharan

For Respondent(s): M/s. I. Malar For The R2 R1 -
Dispensed With

JUDGEMENT

This appeal has been filed to enhance the award in the Order dated 23.12.2022 made in MCOP No.390 of 2017 on the file of the Motor Accident Claims Tribunal/Special Subordinate Judge, No.1, Salem.

2. On 22.12.2015n at about 11.30 a.m, the claimant has driving the Suzuki Max 100 two wheeler in Madurai - Sivangangai main road nearby Gomathipuram St.mary's church at that time, in the same direction TATA ACE vehicle bearing registration number TN58 P 5622 driven by the first respondent in rash and negligent manner hit against the claimant's vehicle. Due to which the claimant sustained injury. Hence, he filed the petition before the Tribunal claiming Rs.15,00,000/- as compensation. On considering the oral and



documentary evidence, the tribunal awarded a sum of Rs.6,04,526/- as

compensation. Challenging the quantum of the compensation the claimant

preferred this appeal.

3. The learned counsel for the appellant submits that the claimant sustained multiple injuries but the Tribunal failed to taken into consideration of the above fact awarded very meagre compensation. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the tribunal has rightly awarded the compensation which needs no interference. Hence, he prays to dismiss this petition.

5. Considering the facts of the case, the accident was happened in the year 2015 and considering the cost of living at the time of the accident. This Court is inclined to enhance the monthly income of the claimant to Rs.12,000/- from Rs.9,000/-. Further, the amount awarded for pain and sufferings is enhanced to Rs.1,00,000/-.

6. In view of the discussions made earlier, the award passed by the



Tribunal is modified as follows:-

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S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.50,000/-	Rs.1,00,000/-
2.	Loss of Income	Rs.27,000/-	Rs.72,000/-
3.	Medical Expenses	Rs.3,31,526/-	Rs.3,31,526/-
4.	Transportation expenses	Rs.20,000/-	Rs.20,000/-
5.	Extra Nourishment	Rs.20,000/-	Rs.20,000/-
6.	Attender charges	Rs.20,000/-	Rs.20,000/-
7.	Damages to cloths and article	Rs.1,000/-	Rs.1,000/-
8.	Lost of amenities	Rs.20,000/-	Rs.20,000/-
9.	For permanent disability	Rs.1,15,000/-	Rs.1,15,000/-
10	Total	Rs.6,04,526/-	Rs.6,99,526/-

7. Therefore, the compensation payable to the claimant is enhanced to Rs.6,99,526/-. The respondent/Insurance company is directed to deposit the said amount to the credit of MCOP No. 390 of 2017 on the file of the Motor Accident Claims Tribunal/Special Subordinate Judge, No.1, Salem, within a period of eight weeks from the date of receipt of a copy of this judgment. On Such deposit, the claimant is permitted to withdraw the award amount by making formal application before the Tribunal.



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8. With the above directions, the Civil Miscellaneous Appeal is partly allowed. No costs. Pending miscellaneous petition(s), if any, is/are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Motor Accident Claims Tribunal/Special Subordinate Judge, No.1, Salem

2. The United India Insurance Co, Ltd

Branch Office HUB Ranga Building, peramanur Main Road, Peramanur, Salem

District 636 007



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T.V.THAMILSELVI J.
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